

E AND R AMENDMENTS TO LB 633

Introduced by Larson, 40, Chairperson Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 79-1022, Revised Statutes Supplement,
4 2011, is amended to read:

5 79-1022 (1) On or before March 10, 2010, and March
6 1, 2011, for school fiscal year 2010-11, on or before July
7 1, 2011, for school fiscal year 2011-12, on or before May 1,
8 2012, for school fiscal year 2012-13, and on or before March
9 1 of each year thereafter for each ensuing fiscal year, the
10 department shall determine the amounts to be distributed to each
11 local system and each district pursuant to the Tax Equity and
12 Educational Opportunities Support Act and shall certify the amounts
13 to the Director of Administrative Services, the Auditor of Public
14 Accounts, each learning community, and each district. The amount
15 to be distributed to each district that is not a member of a
16 learning community from the amount certified for a local system
17 shall be proportional based on the formula students attributed to
18 each district in the local system. The amount to be distributed
19 to each district that is a member of a learning community from
20 the amount certified for the local system shall be proportional
21 based on the formula needs calculated for each district in the
22 local system. On or before March 1, 2011, for school fiscal
23 year 2010-11, on or before July 1, 2011, for school fiscal

1 year 2011-12, on or before May 1, 2012, for school fiscal year
2 2012-13, and on or before March 1 of each year thereafter for
3 each ensuing fiscal year, the department shall report the necessary
4 funding level to the Governor, the Appropriations Committee of
5 the Legislature, and the Education Committee of the Legislature.
6 Except as otherwise provided in this subsection, certified state
7 aid amounts, including adjustments pursuant to section 79-1065.02,
8 shall be shown as budgeted non-property-tax receipts and deducted
9 prior to calculating the property tax request in the district's
10 general fund budget statement as provided to the Auditor of Public
11 Accounts pursuant to section 79-1024. Increases in state aid for
12 school fiscal year 2010-11 from the first certification in 2010
13 to the second certification on or before March 1, 2011, shall not
14 require a school district to revise its previously adopted budget
15 statement pursuant to section 13-511 for school fiscal year 2010-11
16 unless expenditures are increased in such school fiscal year as a
17 result of such increases in state aid. The amount of such increased
18 state aid that has not been included in an amended budget for
19 school fiscal year 2010-11 shall be included in the unencumbered
20 cash balance pursuant to section 13-504 for the school fiscal year
21 2011-12 budget for each school district.

22 (2) Except as provided in this subsection, subsection
23 (8) of section 79-1016, and sections 79-1033 and 79-1065.02, the
24 amounts certified pursuant to subsection (1) of this section shall
25 be distributed in ten as nearly as possible equal payments on the
26 last business day of each month beginning in September of each
27 ensuing school fiscal year and ending in June of the following

1 year, except that when a school district is to receive a monthly
2 payment of less than one thousand dollars, such payment shall be
3 one lump-sum payment on the last business day of December during
4 the ensuing school fiscal year. For school fiscal year 2010-11,
5 payments shall be based on the amounts certified pursuant to
6 subsection (1) of this section on March 10, 2010, except that on
7 the last business day of April, the department shall make federal
8 Education Jobs Fund allocations available pursuant to section
9 79-1028.04 equal to any increases in state aid for school fiscal
10 year 2010-11 from the first certification in 2010 to the second
11 certification on or before March 1, 2011, rounded to the nearest
12 whole dollar.

13 Sec. 2. Section 79-1022.02, Revised Statutes Supplement,
14 2011, is amended to read:

15 79-1022.02 Notwithstanding any other provision of law,
16 ~~the any certification of state aid pursuant to section 79-1022,~~
17 ~~certification of budget authority pursuant to section 79-1023, and~~
18 ~~certification of applicable allowable reserve percentages pursuant~~
19 ~~to section 79-1027 completed prior to the effective date of this~~
20 ~~act for school fiscal year 2012-13 is null and void. to be paid to~~
21 ~~school districts during school fiscal year 2010-11 is null and void~~
22 ~~with regard to the total state aid to be paid during school fiscal~~
23 ~~year 2010-11. State aid to be paid during such school year and the~~
24 ~~certifications pursuant to section 79-1022 shall be recertified for~~
25 ~~the purpose of determining federal Education Jobs Fund allocations~~
26 ~~and adjusting the total state aid to be paid to include such~~
27 ~~allocations on or before March 1, 2011, using data sources as they~~

1 ~~existed on March 10, 2010.~~

2 Sec. 3. Section 79-1023, Revised Statutes Supplement,
3 2011, is amended to read:

4 79-1023 (1) On or before March 10, 2010, on or before
5 July 1, 2011, on or before May 1, 2012, and on or before March 1 of
6 each year thereafter, the department shall determine and certify to
7 each school district budget authority for the general fund budget
8 of expenditures for the immediately following school fiscal year.

9 (2) For school fiscal years prior to school fiscal
10 year 2011-12, except as provided in section 79-1028.01, no
11 school district shall have a general fund budget of expenditures
12 minus special grant funds and the special education budget of
13 expenditures more than the greater of (a) the product of the
14 difference of the general fund budget of expenditures minus special
15 grant funds and the special education budget of expenditures
16 for the immediately preceding school fiscal year multiplied by
17 (i) except as otherwise provided in subdivision (a)(ii) of this
18 subsection, the sum of one plus the local system's applicable
19 allowable growth rate or (ii) for school fiscal year 2010-11, the
20 sum of one plus seventy-five hundredths of one percent plus the
21 local system's applicable allowable growth rate or (b)(i) except as
22 otherwise provided in subdivision (b)(ii) of this subsection, the
23 difference of one hundred twenty percent of formula need for such
24 school fiscal year minus the product of the sum of one plus the
25 basic allowable growth rate for such school fiscal year multiplied
26 by the special education budget of expenditures as filed on the
27 school district budget statement on or before September 20 for

1 the immediately preceding school fiscal year or (ii) for school
2 fiscal years 2009-10 and 2010-11, the difference of one hundred
3 sixteen and fifteen-hundredths percent of formula need for such
4 school fiscal year minus the product of the sum of one plus the
5 basic allowable growth rate for such school fiscal year multiplied
6 by the special education budget of expenditures as filed on the
7 school district budget statement on or before September 20 for the
8 immediately preceding school fiscal year.

9 (3) For school fiscal year 2011-12, except as provided in
10 sections 79-1028.01, 79-1029, and 79-1030, each school district
11 shall have budget authority for the general fund budget of
12 expenditures equal to the greater of (a) the general fund budget
13 of expenditures for school fiscal year 2010-11 minus exclusions
14 for school fiscal year 2010-11 that fit within subsection (1)
15 of section 79-1028.01 with the difference increased by an amount
16 equal to one and one hundred fifteen thousandths percent of the
17 formula need calculated for school fiscal year 2010-11, (b) the
18 general fund budget of expenditures for school fiscal year 2010-11
19 minus exclusions for school fiscal year 2010-11 that fit within
20 subsection (1) of section 79-1028.01 with the difference increased
21 by an amount equal to any student growth adjustment calculated
22 for school fiscal year 2011-12, or (c) one hundred ten percent
23 of formula need for school fiscal year 2011-12 minus the special
24 education budget of expenditures as filed on the school district
25 budget statement on or before September 20 for school fiscal
26 year 2010-11, which special education budget of expenditures is
27 increased by the basic allowable growth rate for school fiscal year

1 2011-12.

2 (4) For school fiscal year 2012-13 and each school
3 fiscal year thereafter, except as provided in sections 79-1028.01,
4 79-1029, and 79-1030, each school district shall have budget
5 authority for the general fund budget of expenditures equal to the
6 greater of (a) the general fund budget of expenditures for the
7 immediately preceding school fiscal year minus exclusions pursuant
8 to subsection (1) of section 79-1028.01 for such school fiscal year
9 with the difference increased by the basic allowable growth rate
10 for the school fiscal year for which budget authority is being
11 calculated, (b) the general fund budget of expenditures for the
12 immediately preceding school fiscal year minus exclusions pursuant
13 to subsection (1) of section 79-1028.01 for such school fiscal
14 year with the difference increased by an amount equal to any
15 student growth adjustment calculated for the school fiscal year for
16 which budget authority is being calculated, or (c) one hundred ten
17 percent of formula need for the school fiscal year for which budget
18 authority is being calculated minus the special education budget of
19 expenditures as filed on the school district budget statement on
20 or before September 20 for the immediately preceding school fiscal
21 year, which special education budget of expenditures is increased
22 by the basic allowable growth rate for the school fiscal year for
23 which budget authority is being calculated.

24 (5) For any school fiscal year for which the budget
25 authority for the general fund budget of expenditures for a school
26 district is based on a student growth adjustment, the budget
27 authority for the general fund budget of expenditures for such

1 school district shall be adjusted in future years to reflect
2 any student growth adjustment corrections related to such student
3 growth adjustment.

4 Sec. 4. Section 79-1027, Revised Statutes Supplement,
5 2011, is amended to read:

6 79-1027 No district shall adopt a budget, which includes
7 total requirements of depreciation funds, necessary employee
8 benefit fund cash reserves, and necessary general fund cash
9 reserves, exceeding the applicable allowable reserve percentages
10 of total general fund budget of expenditures as specified in the
11 schedule set forth in this section.

Average daily	Allowable
membership of	reserve
district	percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

19 On or before March 10, 2010, on or before July 1,
20 2011, on or before May 1, 2012, and on or before March 1 each
21 year thereafter, the department shall determine and certify each
22 district's applicable allowable reserve percentage.

23 Each district with combined necessary general fund cash
24 reserves, total requirements of depreciation funds, and necessary
25 employee benefit fund cash reserves less than the applicable
26 allowable reserve percentage specified in this section may,
27 notwithstanding the district's applicable allowable growth rate,

1 increase its necessary general fund cash reserves such that the
2 total necessary general fund cash reserves, total requirements
3 of depreciation funds, and necessary employee benefit fund
4 cash reserves do not exceed such applicable allowable reserve
5 percentage.

6 Sec. 5. Section 79-1031.01, Revised Statutes Supplement,
7 2011, is amended to read:

8 79-1031.01 The Appropriations Committee of the
9 Legislature shall annually include the amount necessary to fund the
10 state aid that will be certified to school districts on or before
11 March 1, 2011, for school fiscal year 2010-11, on or before July 1,
12 2011, for school fiscal year 2011-12, on or before May 1, 2012,
13 for school fiscal year 2012-13, and on or before March 1 for each
14 ensuing school fiscal year thereafter in its recommendations to the
15 Legislature to carry out the requirements of the Tax Equity and
16 Educational Opportunities Support Act.

17 Sec. 6. Section 79-10,110, Revised Statutes Cumulative
18 Supplement, 2010, is amended to read:

19 79-10,110 (1) After making a determination that an
20 actual or potential environmental hazard or accessibility barrier
21 exists, that a life safety code violation exists, or that
22 expenditures are needed for indoor air quality or mold abatement
23 and prevention within the school buildings or grounds under its
24 control, a school board may make and deliver to the county clerk
25 of such county in which any part of the school district is
26 situated, not later than the date provided in section 13-508,
27 an itemized estimate of the amounts necessary to be expended

1 for the abatement of such environmental hazard, for accessibility
2 barrier elimination, or for modifications for life safety code
3 violations, indoor air quality, or mold abatement and prevention
4 in such school buildings or grounds. The board shall designate the
5 particular environmental hazard abatement project, accessibility
6 barrier elimination project, or modification for life safety code
7 violations, indoor air quality, or mold abatement and prevention
8 for which the tax levy provided for by this section will be
9 expended, the period of years, which shall not exceed ten years,
10 for which the tax will be levied for such project, and the
11 estimated amount of the levy for each year of the period based on
12 the taxable valuation of the district at the time of issuance.

13 (2) After a public hearing, a school board may undertake
14 any qualified capital purpose in any qualified zone academy under
15 its control and may levy a tax as provided in this section to repay
16 a qualified zone academy bond issued for such undertaking. The
17 board shall designate: (a) The particular qualified capital purpose
18 for which the qualified zone academy bond was issued and for which
19 the tax levy provided for by this section will be expended; (b)
20 the period of years for which the tax will be levied to repay such
21 qualified zone academy bond, not exceeding the ~~maximum~~ maturity
22 term for such qualified zone academy bond established pursuant
23 to federal law or, for any such bond issued prior to May 20,
24 2009, fifteen years; and (c) the estimated amount of the levy for
25 each year of the period based on the taxable valuation of the
26 district at the time of issuance. The hearing required by this
27 subsection shall be held only after notice of such hearing has been

1 published for three consecutive weeks prior to the hearing in a
2 legal newspaper published or of general circulation in the school
3 district.

4 (3) After a public hearing, a school board may undertake
5 ~~construction of a new public school facility or the acquisition~~
6 ~~of land on which such a facility is to be constructed or any~~
7 ~~expansion, rehabilitation, modernization, renovation, or repair of~~
8 ~~any existing school facilities under its control~~ any American
9 Recovery and Reinvestment Act of 2009 purpose and may levy a
10 tax to repay any American Recovery and Reinvestment Act of 2009
11 bond issued for such undertaking. The board shall designate:

12 (a) The ~~particular project or projects~~ American Recovery and
13 Reinvestment Act of 2009 purpose for which the American Recovery
14 and Reinvestment Act of 2009 bond will be issued and for which
15 the tax levy provided by this section will be expended; (b) the
16 period of years for which the tax will be levied to repay such
17 American Recovery and Reinvestment Act of 2009 bond, not exceeding
18 the maximum maturity term for the type of American Recovery and
19 Reinvestment Act of 2009 bond established pursuant to federal law
20 for the type of bond as permitted by the federal American Recovery
21 and Reinvestment Act of 2009 or, if no such term is established,
22 thirty years; and (c) the estimated amount of the levy for each
23 year of such period based on the taxable valuation of the district
24 at the time of issuance. Prior to the public hearing, the school
25 board shall prepare an itemized estimate of the amounts necessary
26 to be expended for the ~~project or projects~~. American Recovery and
27 Reinvestment Act of 2009 purpose. The hearing required by this

1 subsection shall be held only after notice of such hearing has been
2 published for three consecutive weeks prior to the hearing in a
3 legal newspaper published or of general circulation in the school
4 district. ~~The bond to be issued under this subsection may consist~~
5 ~~of any type or form of bond permitted by the federal American~~
6 ~~Recovery and Reinvestment Act of 2009 except qualified zone academy~~
7 ~~bonds, the use of which is authorized pursuant to subsection (2) of~~
8 ~~this section.~~

9 (4) The board may designate more than one project
10 under subsection (1) of this section, more than one qualified
11 capital purpose under subsection (2) of this section, or more
12 than one American Recovery and Reinvestment Act of 2009 purpose
13 under subsection (3) of this section and levy a tax pursuant to
14 this section for each such project, qualified capital purpose,
15 or American Recovery and Reinvestment Act of 2009 purpose,
16 concurrently or consecutively, as the case may be, if the aggregate
17 levy in each year and the duration of each such levy will not
18 exceed the limitations specified in this section. Each levy for
19 a project, a qualified capital purpose, or an American Recovery
20 and Reinvestment Act of 2009 purpose which is authorized by this
21 section may be imposed for such duration as the board specifies,
22 notwithstanding the contemporaneous existence or subsequent
23 imposition of any other levy for another project, qualified capital
24 purpose, or American Recovery and Reinvestment Act of 2009 purpose
25 imposed pursuant to this section and notwithstanding the subsequent
26 issuance by the district of bonded indebtedness payable from its
27 general fund levy.

1 (5) The county clerk shall levy such taxes, not to
2 exceed five and one-fifth cents per one hundred dollars of taxable
3 valuation for Class II, III, IV, V, and VI districts, and not to
4 exceed the limits set for Class I districts in section 79-10,124,
5 on the taxable property of the district necessary to (a) cover the
6 environmental hazard abatement or accessibility barrier elimination
7 project costs or costs for modification for life safety code
8 violations, indoor air quality, or mold abatement and prevention
9 itemized by the board pursuant to subsection (1) of this section
10 and (b) repay any qualified zone academy bonds or American Recovery
11 and Reinvestment Act of 2009 bonds pursuant to subsection (2) or
12 (3) of this section. Such taxes shall be collected by the county
13 treasurer at the same time and in the same manner as county taxes
14 are collected and when collected shall be paid to the treasurer of
15 the district and used to cover the project costs.

16 (6) If such board operates grades nine through twelve
17 as part of an affiliated school system, it shall designate the
18 fraction of the project or undertaking to be conducted for the
19 benefit of grades nine through twelve. Such fraction shall be
20 raised by a levy placed upon all of the taxable value of all
21 taxable property in the affiliated school system pursuant to
22 subsection (2) of section 79-1075. The balance of the project or
23 undertaking to be conducted for the benefit of grades kindergarten
24 through eight shall be raised by a levy placed upon all of the
25 taxable value of all taxable property in the district which is
26 governed by such board. The combined rate for both levies in the
27 high school district, to be determined by such board, shall not

1 exceed five and one-fifth cents on each one hundred dollars of
2 taxable value.

3 (7) Each board which submits an itemized estimate shall
4 establish an environmental hazard abatement and accessibility
5 barrier elimination project account, a life safety code
6 modification project account, an indoor air quality project
7 account, or a mold abatement and prevention project account,
8 each board which undertakes a qualified capital purpose shall
9 establish a qualified capital purpose undertaking account, within
10 the qualified capital purpose undertaking fund, and each board
11 which undertakes an American Recovery and Reinvestment Act of 2009
12 purpose shall establish an American Recovery and Reinvestment Act
13 of 2009 purpose undertaking account. Taxes collected pursuant to
14 this section shall be credited to the appropriate account to cover
15 the project or undertaking costs. Such estimates may be presented
16 to the county clerk and taxes levied accordingly.

17 (8) For purposes of this section:

18 (a) Abatement includes, but is not limited to, any
19 inspection and testing regarding environmental hazards, any
20 maintenance to reduce, lessen, put an end to, diminish, moderate,
21 decrease, control, dispose of, or eliminate environmental hazards,
22 any removal or encapsulation of environmentally hazardous material
23 or property, any related restoration or replacement of material or
24 property, any related architectural and engineering services, and
25 any other action to reduce or eliminate environmental hazards in
26 the school buildings or on the school grounds under the board's
27 control, except that abatement does not include the encapsulation

1 of any material containing more than one percent friable asbestos;

2 (b) Accessibility barrier means anything which impedes
3 entry into, exit from, or use of any building or facility by all
4 people;

5 (c) Accessibility barrier elimination includes, but is
6 not limited to, inspection for and removal of accessibility
7 barriers, maintenance to reduce, lessen, put an end to, diminish,
8 control, dispose of, or eliminate accessibility barriers, related
9 restoration or replacement of facilities or property, any related
10 architectural and engineering services, and any other action to
11 eliminate accessibility barriers in the school buildings or grounds
12 under the board's control;

13 (d) American Recovery and Reinvestment Act of 2009 bond
14 means any type or form of bond permitted by the federal American
15 Recovery and Reinvestment Act of 2009, as such act or bond may be
16 amended and supplemented, including the federal Hiring Incentives
17 to Restore Employment Act, as amended and supplemented, for use by
18 schools, except qualified zone academy bonds;

19 (e) American Recovery and Reinvestment Act of 2009
20 purpose means any construction of a new public school facility
21 or the acquisition of land on which such a facility is to
22 be constructed or any expansion, rehabilitation, modernization,
23 renovation, or repair of any existing school facilities financed in
24 whole or in part with an American Recovery and Reinvestment Act of
25 2009 bond;

26 (f) Environmental hazard means any contamination of the
27 air, water, or land surface or subsurface caused by any substance

1 adversely affecting human health or safety if such substance has
2 been declared hazardous by a federal or state statute, rule, or
3 regulation;

4 (g) Modification for indoor air quality includes, but
5 is not limited to, any inspection and testing regarding indoor
6 air quality, any maintenance to reduce, lessen, put an end to,
7 diminish, moderate, decrease, control, dispose of, or eliminate
8 indoor air quality problems, any related restoration or replacement
9 of material or related architectural and engineering services, and
10 any other action to reduce or eliminate indoor air quality problems
11 or to enhance air quality conditions in new or existing school
12 buildings or on school grounds under the control of a school board;

13 (h) Modification for life safety code violation includes,
14 but is not limited to, any inspection and testing regarding life
15 safety codes, any maintenance to reduce, lessen, put an end to,
16 diminish, moderate, decrease, control, dispose of, or eliminate
17 life safety hazards, any related restoration or replacement of
18 material or property, any related architectural and engineering
19 services, and any other action to reduce or eliminate life safety
20 hazards in new or existing school buildings or on school grounds
21 under the control of a school board;

22 (i) Modification for mold abatement and prevention
23 includes, but is not limited to, any inspection and testing
24 regarding mold abatement and prevention, any maintenance to reduce,
25 lessen, put an end to, diminish, moderate, decrease, control,
26 dispose of, or eliminate mold problems, any related restoration or
27 replacement of material or related architectural and engineering

1 services, and any other action to reduce or eliminate mold problems
2 or to enhance air quality conditions in new or existing school
3 buildings or on school grounds under the control of a school board;

4 (j) Qualified capital purpose means (i) rehabilitating or
5 repairing the public school facility in which the qualified zone
6 academy is established or (ii) providing equipment for use at such
7 qualified zone academy;

8 (k) Qualified zone academy has the meaning found in (i)
9 26 U.S.C. 1397E(d)(4), as such section existed on October 3, 2008,
10 for qualified zone academy bonds issued on or before such date,
11 and (ii) 26 U.S.C. 54E(d)(1), as such section existed on October
12 4, 2008, for qualified zone academy bonds issued on or after such
13 date;

14 (l) Qualified zone academy allocation means the
15 allocation of the qualified zone academy bond limitation by the
16 State Department of Education to the qualified zone academies
17 pursuant to (i) 26 U.S.C. 1397E(e)(2), as such section existed on
18 October 3, 2008, for allocations relating to qualified zone academy
19 bonds issued on or before such date, and (ii) 26 U.S.C. 54E(c)(2),
20 as such section existed on October 4, 2008, for allocations
21 relating to qualified zone academy bonds issued on or after such
22 date; and

23 (m) Qualified zone academy bond has the meaning found in
24 (i) 26 U.S.C. 1397E(d)(1), as such section existed on October 3,
25 2008, for such bonds issued on or before such date, and (ii) 26
26 U.S.C. 54E(a), as such section existed on and after October 4,
27 2008, for such bonds issued on or after such date, as such section

1 or bonds may be amended or supplemented.

2 (9) Accessibility barrier elimination project costs
3 includes, but is not limited to, inspection, maintenance,
4 accounting, emergency services, consultation, or any other action
5 to reduce or eliminate accessibility barriers.

6 (10) (a) For the purpose of paying amounts necessary
7 for the abatement of environmental hazards, for accessibility
8 barrier elimination, ~~or~~ for modifications for life safety code
9 violations, indoor air quality, or mold abatement and prevention,
10 for a qualified capital purpose, or for an American Recovery and
11 Reinvestment Act of 2009 purpose, the board may borrow money,
12 establish a sinking fund, and issue bonds and other evidences of
13 indebtedness of the district, which bonds and other evidences of
14 indebtedness shall be secured by and payable from an irrevocable
15 pledge by the district of amounts received in respect of the tax
16 levy provided for by this section and any other funds of the
17 district available therefor. Bonds issued for a qualified capital
18 purpose or an American Recovery and Reinvestment Act of 2009
19 purpose shall be limited to the type or types of bonds authorized
20 for each purpose in subsections (2) and (3) of this section,
21 respectively. Bonds and other evidences of indebtedness issued by a
22 district pursuant to this subsection shall not constitute a general
23 obligation of the district or be payable from any portion of its
24 general fund levy.

25 (b) A district may exceed the maximum levy of five
26 and one-fifth cents per one hundred dollars of taxable valuation
27 authorized by subsections (5) and (6) of this section in any

1 year in which (i) the taxable valuation of the district is lower
2 than the taxable valuation in the year in which the district last
3 issued bonds pursuant to this section and (ii) such maximum levy
4 is insufficient to meet the combined annual principal and interest
5 obligations for all bonds issued pursuant to this section. The
6 amount generated from a district's levy in excess of the maximum
7 levy upon the taxable valuation of the district shall not exceed
8 the combined annual principal and interest obligations for such
9 bonds minus the amount generated by levying the maximum levy
10 upon the taxable valuation of the district and minus any federal
11 payments or subsidies associated with such bonds.

12 (11) The total principal amount of bonds for
13 modifications to correct life safety code violations, for indoor
14 air quality problems, for mold abatement and prevention, or for an
15 American Recovery and Reinvestment Act of 2009 purpose which may be
16 issued pursuant to this section shall not exceed the total amount
17 specified in the itemized estimate described in subsections (1) and
18 (3) of this section.

19 (12) The total principal amount of qualified zone academy
20 bonds which may be issued pursuant to this section for qualified
21 capital purposes with respect to a qualified zone academy shall
22 not exceed the qualified zone academy allocation granted to the
23 board by the department. The total amount that may be financed by
24 qualified zone academy bonds pursuant to this section for qualified
25 purposes with respect to a qualified zone academy shall not exceed
26 seven and one-half million dollars statewide in a single year.
27 In any year that the Nebraska qualified zone academy allocations

1 exceed seven and one-half million dollars for qualified capital
2 purposes to be financed with qualified zone academy bonds issued
3 pursuant to this section, (a) the department shall reduce such
4 allocations proportionally such that the statewide total for such
5 allocations equals seven and one-half million dollars and (b) the
6 difference between the Nebraska allocation and seven and one-half
7 million dollars shall be available to qualified zone academies for
8 requests that will be financed with qualified zone academy bonds
9 issued without the benefit of this section.

10 Nothing in this section directs the State Department of
11 Education to give any preference to allocation requests that will
12 be financed with qualified zone academy bonds issued pursuant to
13 this section.

14 (13) The State Department of Education shall establish
15 procedures for allocating bond authority to school boards as may be
16 necessary pursuant to an American Recovery and Reinvestment Act of
17 2009 bond.

18 Sec. 7. (1) If a school board has issued or shall
19 issue bonds pursuant to section 79-10,110 and such bonds or any
20 part of such bonds are unpaid, are a legal liability against the
21 school district governed by such school board, and are bearing
22 interest, the school board may issue refunding bonds with which to
23 call and redeem all or any part of such outstanding bonds at or
24 before the date of maturity or the redemption date of such bonds.
25 Such school board may include various series and issues of the
26 outstanding bonds in a single issue of refunding bonds and may
27 issue refunding bonds to pay any redemption premium and interest to

1 accrue and become payable on the outstanding bonds being refunded.
2 The refunding bonds may be issued and delivered at any time prior
3 to the date of maturity or the redemption date of the bonds to
4 be refunded that the school board determines to be in the best
5 interests of the school district. The proceeds derived from the
6 sale of the refunding bonds issued pursuant to this section may
7 be invested in obligations of or guaranteed by the United States
8 Government pending the time the proceeds are required for the
9 purposes for which such refunding bonds were issued. To further
10 secure the refunding bonds, the school board may enter into a
11 contract with any bank or trust company within or without the state
12 with respect to the safekeeping and application of the proceeds
13 of the refunding bonds and the safekeeping and application of the
14 earnings on the investment. All bonds issued under this section
15 shall be redeemable at such times and under such conditions as the
16 school board shall determine at the time of issuance.

17 (2) Any outstanding bonds or other evidences of
18 indebtedness issued by a school board for which sufficient funds
19 or obligations of or guaranteed by the United States Government
20 have been pledged and set aside in safekeeping to be applied
21 for the complete payment of such bonds or other evidences of
22 indebtedness at maturity or upon redemption prior to maturity,
23 interest thereon, and redemption premium, if any, shall not be
24 considered as outstanding and unpaid.

25 (3) Each refunding bond issued under this section shall
26 state on the bond (a) the object of its issue, (b) this section or
27 the sections of the law under which such issue was made, including

1 a statement that the issue is made in pursuance of such section
2 or sections, and (c) the date and principal amount of the bond or
3 bonds for which the refunding bonds are being issued.

4 (4) The refunding bonds shall be paid, and the levy made
5 and the tax collected for their payment in the same manner and
6 under the same authorization for levy of taxes as applied for the
7 bonds being refunded, in accordance with section 79-10,110.

8 Sec. 8. Original section 79-10,110, Revised Statutes
9 Cumulative Supplement, 2010, and sections 79-1022, 79-1022.02,
10 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement,
11 2011, are repealed.

12 Sec. 9. Since an emergency exists, this act takes effect
13 when passed and approved according to law.

14 2. On page 1, strike beginning with the semicolon in line
15 2 through line 5 and insert ", and sections 79-1022, 79-1022.02,
16 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement,
17 2011; to change determination and certification dates under the
18 Tax Equity and Educational Opportunities Support Act; to change
19 tax levy and bonding authority for certain improvement projects; to
20 authorize issuance of refunding bonds; to harmonize provisions; to
21 repeal the original sections; and to declare an emergency."